

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

MCOM IP, LLC,)	
Plaintiff,)	
)	Civil Action No. 6:21-cv-00218
v.)	
)	
BBVA USA BANCSHARES, INC.)	JURY TRIAL DEMANDED
Defendant.)	

PLAINTIFF’S ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

mCom IP, LLC (“mCom”) files this Original Complaint and demand for jury trial seeking relief from patent infringement of the claims of U.S. Patent No. 8,862,508 (“the ‘508 patent”) (referred to as the “Patent-in-Suit”) by BBVA USA Bancshares, Inc. (“BBVA”).

I. THE PARTIES

1. Plaintiff mCom is a Texas Limited Liability Company with its principal place of business located in Harris County, Texas.

2. On information and belief, BBVA is a corporation existing under the laws of the State of Delaware, with a principal place of business located at 10711 Burnet Road, Austin, TX 78758. On information and belief, BBVA sells and offers to sell products and services throughout Texas, including in this judicial district, and introduces products and services that perform infringing methods or processes into the stream of commerce knowing that they would be sold in Texas and this judicial district. Defendant may be served at its place of business.

II. JURISDICTION AND VENUE

3. This Court has original subject-matter jurisdiction over the entire action pursuant to 28 U.S.C. §§ 1331 and 1338(a) because Plaintiff’s claim arises under an Act of Congress relating to patents, namely, 35 U.S.C. § 271.

4. This Court has personal jurisdiction over Defendant because: (i) Defendant is present within or has minimum contacts within the State of Texas and this judicial district; (ii) Defendant has purposefully availed itself of the privileges of conducting business in the State of Texas and in this judicial district; and (iii) Plaintiff's cause of action arises directly from Defendant's business contacts and other activities in the State of Texas and in this judicial district.

5. Venue is proper in this district under 28 U.S.C. §§ 1391(b) and 1400(b). Defendant has committed acts of infringement and has a regular and established place of business in this District. Further, venue is proper because Defendant conducts substantial business in this forum, directly or through intermediaries, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct and/or deriving substantial revenue from goods and services provided to individuals in Texas and this District.

III. INFRINGEMENT

A. Infringement of the '508 Patent


6. On October 14, 2014, U.S. Patent No. 8,862,508 ("the '508 patent", attached as Exhibit A) entitled "System and method for unifying e-banking touch points and providing personalized financial services" was duly and legally issued by the U.S. Patent and Trademark Office. MCom owns the '508 patent by assignment.


7. The '508 patent relates to novel and improved systems and methods for constructing a unified banking system.

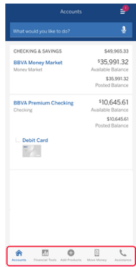
8. BBVA maintains, operates, and administers methods and systems of unified banking systems that infringe one or more claims of the '508 patent, including one or more of claims 1-20, literally or under the doctrine of equivalents. Defendant put the inventions claimed by the '508

Patent into service (i.e., used them); but for Defendant's actions, the claimed-inventions embodiments involving Defendant's products and services would never have been put into service. Defendant's acts complained of herein caused those claimed-invention embodiments as a whole to perform, and Defendant's procurement of monetary and commercial benefit from it.

9. Support for the allegations of infringement may be found in the following preliminary table:

Exemplary Claims	BBVA Compass
<p>1. A method for constructing a unified electronic banking environment, said method comprising the steps of:</p>	<div data-bbox="431 705 727 806">  </div> <p data-bbox="423 867 748 957">Flexible access to banking services</p> <p data-bbox="423 1016 857 1612"> <u>BBVA Open Platform is the unified development platform providing flexible, scalable infrastructure for financial technology and digital commerce. We believe offering financial services to your customers shouldn't involve battling bank bureaucracy and outdated technology or bolting together poorly designed banking APIs from multiple providers.</u> Whether you want help building a better banking experience, need to support a variety of payment types, or require assistance with your Customer Identification Program (CIP), you can mix and match our easy to integrate and simple to use Move Money, Account Origination, Card Issuance </p> <p data-bbox="397 1738 964 1768">Attachment 1 (BBVA New Digital Business) at 1.</p> <p data-bbox="397 1803 1182 1833">Source: https://www.bbva.com/ndb/en/portfolio/open-platform/</p>



Exemplary Claims	BBVA Compass
<p>providing at least one common multi-channel server coupled to more than one e-banking touch points and also coupled to at least one computer system configured with at least one control console, said more than one e-banking touch points and said at least one computer system being provided in locations remote from the other, and further wherein said more than one plurality of e-banking touch points are comprised of at least two different types of e-banking touch point devices, each of which comprise one or more of an automatic teller/transaction machine (ATM), a self service coin counter (SSCC), a kiosk, a digital signage display, an online accessible banking website, a personal digital assistant (PDA), a personal computer (PC), a laptop, a wireless device, or a combination of two or more thereof, and wherein at least one</p>	<p data-bbox="574 478 1243 510">A single endpoint can reach multiple payment methods</p>  <p data-bbox="397 1121 1321 1152">Attachment 2 (Move money, one endpoint, multiple payment methods) at 2,</p> <p data-bbox="397 1188 1143 1220">Source: https://bbvaopenplatform.com/services/move-money</p> <p data-bbox="397 1390 1218 1449"><small>The Open Platform at its core offers a suite of APIs that developers can utilize to achieve their specific banking needs. Examples of such services include the ability to move money, issue cards, open accounts, and verify identities. Within the platform, developers can test out the APIs in a sandbox environment.</small></p> <p data-bbox="397 1474 1229 1556"><small>The platform's core APIs include the Consumer API, Move Money API, Accounts API, and Cards API. The Consumer API allows developers to manage account information for each user so that the user can use the other functional BBVA services (e.g. move money, card issuance, etc.). The Move Money API allows US-based customers direct funds to another qualified US account with a single action. The Accounts API allows developers to connect multiple accounts of a particular user with a single call. The Cards API provides an end to end card management service.</small></p> <p data-bbox="397 1677 1373 1780">Attachment 3 (BBVA Launches Banking as a Service Platform in US) at 1.</p> <p data-bbox="397 1791 1511 1862">Source: https://www.programmableweb.com/news/bbva-launches-banking-service-platform-us/brief/2018/10/18</p>

Exemplary Claims	BBVA Compass
<p>of said e-banking touch points is in communication with one or more financial institutions through said multi-channel server;</p>	<p>❗ Can I access Online Banking via the Web from more than one location?</p> <p>Yes. Because <u>Online Banking via the Web lets you access your accounts through our website, you can use it from any PC that has Internet access and a browser with 128-bit encryption.</u></p> <p>If you access Online Banking with Quicken only, you must use the computer that has your software loaded.</p> <p>But remember, you can access Online Banking both ways with the same Username and Password:</p> <ul style="list-style-type: none"> ■ Via the Web ■ Via Quicken <p>Attachment 6: (About Online Banking, Frequently Asked Questions) at 1.</p> <p>Source: https://www.bbvausa.com/digital-banking-services/online-banking/faq/about-online-banking.html</p>
<p>receiving an actionable input from at least one e-banking touch point;</p>	<p><u>Where is the I Want To menu?</u></p>  <p>The "I Want To" menu has been replaced with a new navigation bar that opens your most commonly needed features <u>with one tap. You now have faster access to Financial Tools, Add Products, Payments & Transfers (Move Money) and the Assistance Center.</u></p> <p>Attachment 4 (Answers to commonly asked questions about the new BBVA Mobile Banking app) at 1.</p>

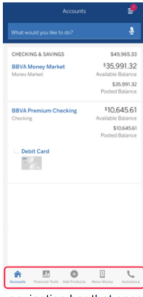
Exemplary Claims	BBVA Compass
	<p>Source: https://www.bbvausa.com/special/glomo.html</p>
<p>retrieving previously stored data associated with said actionable input, wherein said previously stored data is accessible to any one of said e-banking touch points, and said previously stored data comprises data from one or more financial institutions and one or more user-defined preferences;</p>	<p>2. Mobile Banking</p> <p>Unlike many banks, whose mobile applications are simply abbreviated versions of services offered on their websites and brick-and-mortar locations, BBVA is using its mobile app to strengthen its relationship with consumers using existing income and expense data. <u>The app is personalized for consumers, greeting them by name when they open the app and providing personalized financial offers based on their profiles and behavior patterns.</u>^[7] Other data-driven features of the app include the ability to view and activate rewards on the go, biometric sign-in, and a bank branch and ATM locator, all making customers' lives easier.^[8]</p> <p>Attachment 5: (Banking on Digital Technology at BBVA - Technology and Operations Management)_ at 1.</p> <p>Source: https://digital.hbs.edu/platform-rctom/submission/banking-on-digital-technology-at-bbva/</p>
<p>delivering said retrieved data to said at least one e-banking touch point transmitting said actionable input;</p>	<div data-bbox="415 1537 1425 1652" style="border: 1px solid black; padding: 10px; margin: 10px auto; width: fit-content;"> <p>Why is the Transaction History being changed in Online Banking and Mobile Banking?</p> </div> <p>Changes were made to provide greater transparency and detail around the balances at the time of each transaction.</p>

Exemplary Claims	BBVA Compass
	<p>Attachment 4 (Answers to commonly asked questions about the new BBVA Mobile Banking app) at 1.</p> <p>Source: https://www.bbvausa.com/special/glomo.html</p>
<p>storing transactional usage data associated with said at least one e-banking touch point transmitting said actionable input, wherein said stored transactional usage data is accessible by any one of said more than one e-banking touch points and said at least one computer system;</p>	<p>View transactions</p> <ul style="list-style-type: none"> View account details for checking, savings, money market, CD, IRA, installment loan, mortgage loan, line of credit, credit card, and overdraft protection accounts View transactions that have cleared your BBVA checking, savings, money market, credit card, and overdraft protection accounts for up to the last 16 months View transactions for your loan accounts for up to 36 months View transactions for your CD and IRA accounts for up to the life of your account <p>View Online Statements and request that paper statements not be mailed to you</p> <p>View images of cleared checks</p> <p>Enroll for Online Bill Pay</p> <p>Attachment 6: (About Online Banking, Frequently Asked Questions) at 1.</p> <p>Source: https://www.bbvausa.com/digital-banking-services/online-banking/faq/about-online-banking.html</p>

Exemplary Claims	BBVA Compass
<p>monitoring via said server an active session in real-time for selection of targeted marketing content correlated to said user-defined preferences;</p> <p>subsequent to said monitoring, selecting in real-time said targeted marketing content correlated to said user-defined preferences; and</p> <p>transmitting in real-time said targeted marketing content during said active session to at least one of said e-banking touch points for acceptance, rejection, or no response by a user, wherein said response by said user is used during said active session to determine whether transmission of additional information related to said marketing content occurs during said active session.</p>	<p>2. Mobile Banking</p> <p>Unlike many banks, whose mobile applications are simply abbreviated versions of services offered on their websites and brick-and-mortar locations, BBVA is using its mobile app to strengthen its relationship with consumers using existing income and expense data. <u>The app is personalized for consumers, greeting them by name when they open the app and providing personalized financial offers based on their profiles and behavior patterns.</u>^[7] Other data-driven features of the app include the ability to view and activate rewards on the go, biometric sign-in, and a bank branch and ATM locator, all making customers' lives easier.^[8]</p> <p>Attachment 5: (Banking on Digital Technology at BBVA - Technology and Operations Management)_ at 1.</p> <p>Source: https://digital.hbs.edu/platform-rctom/submission/banking-on-digital-technology-at-bbva/</p>

Exemplary Claims	BBVA Compass
<p>Claim 7, A method for constructing a unified electronic banking environment, said method comprising the steps of:</p>	<div data-bbox="423 264 654 342">  </div> <div data-bbox="418 388 670 457"> <p>Flexible access to banking services</p> </div> <div data-bbox="418 504 753 966"> <p><u>BBVA Open Platform is the unified development platform providing flexible, scalable infrastructure for financial technology and digital commerce. We believe offering financial services to your customers shouldn't involve battling bank bureaucracy and outdated technology or bolting together poorly designed banking APIs from multiple providers.</u></p> <p>Whether you want help building a better banking experience, need to support a variety of payment types, or require assistance with your Customer Identification Program (CIP), you can mix and match our easy to integrate and simple to use Move Money, Account Origination, Card Issuance</p> </div> <div data-bbox="397 1087 902 1117"> <p>Attachment 1 (BBVA Open Platform) at 1.</p> </div> <div data-bbox="397 1155 1208 1184"> <p>Source: https://www.bbva.com/ndb/en/portfolio/open-platform/</p> </div>
<p>providing a common multi-channel server coupled to one or more e-banking touch points and also coupled to one or more computer systems, wherein each computer system is associated with a financial institution, said e-banking touch points being provided in locations remote from the other, and each of which</p>	<div data-bbox="553 1297 1135 1327"> <p>A single endpoint can reach multiple payment methods</p> </div> <div data-bbox="418 1362 1256 1766">  <p>The diagram illustrates BBVA's payment ecosystem. On the left, two boxes show 'Send Funds' and 'Receive Funds' scenarios. 'Send Funds' shows a business or third party sending funds to a customer. 'Receive Funds' shows a business or individual receiving funds from a customer or other businesses/merchants. On the right, a central 'MOVE MONEY API' hub is connected to various payment methods: International Payments (Crossing 1000), ACH, Real-time Debit Rails, Internal Transfers, Check-based Bill Pay, and Electronic Bill Pay.</p> </div>

Exemplary Claims	BBVA Compass
<p>comprise one or more of an automatic teller/transaction machine (ATM), a self-service coin counter (SSCC), a kiosk, a digital signage display, an online accessible banking website, a personal digital assistant (PDA), a personal computer (PC), a laptop, a wireless device, or a combination of two or more thereof, and wherein at least one of said e-banking touch points is in communication with one or more financial institutions through said multi-channel server;</p>	<p>Attachment 2 (Move money, one endpoint, multiple payment methods) at 2,</p> <p>https://bbvaopenplatform.com/services/move-money</p> <p><u>The Open Platform at its core offers a suite of APIs that developers can utilize to achieve their specific banking needs. Examples of such services include the ability to move money, issue cards, open accounts, and verify identities. Within the platform, developers can test out the APIs in a sandbox environment.</u></p> <p>The platform's core APIs include the Consumer API, Move Money API, Accounts API, and Cards API. The Consumer API allows developers to manage account information for each user so that the user can use the other functional BBVA services (e.g. move money, card issuance, etc.). The Move Money API allows US-based customers direct funds to another qualified US account with a single action. The Accounts API allows developers to connect multiple accounts of a particular user with a single call. The Cards API provides an end to end card management service.</p> <p>Attachment 3 (BBVA Launches Banking as a Service Platform in US) at 1.</p> <p>Source: https://www.programmableweb.com/news/bbva-launches-banking-service-platform-us/brief/2018/10/18</p> <p>● Can I access Online Banking via the Web from more than one location?</p> <p>Yes. Because <u>Online Banking via the Web lets you access your accounts through our website, you can use it from any PC that has Internet access and a browser with 128-bit encryption.</u></p> <p>If you access Online Banking with Quicken only, you must use the computer that has your software loaded.</p> <p>But remember, you can access Online Banking both ways with the same Username and Password:</p> <ul style="list-style-type: none"> ■ Via the Web ■ Via Quicken <p>Attachment 6: (About Online Banking, Frequently Asked Questions) at 1.</p> <p>Source: https://www.bbvausa.com/digital-banking-services/online-banking/faq/about-online-banking.html</p>

Exemplary Claims	BBVA Compass
<p>receiving an actionable input from at least one e-banking touch point;</p>	<p><u>Where is the I Want To menu?</u></p>  <p>The "I Want To" menu has been replaced with a new navigation bar that opens your most commonly needed features <u>with one tap. You now have faster access to Financial Tools, Add Products, Payments & Transfers (Move Money) and the Assistance Center.</u></p> <p>Attachment 4 (Answers to commonly asked questions about the new BBVA Mobile Banking app) at 1.</p> <p>Source: https://www.bbvausa.com/special/glomo.html</p>
<p>retrieving previously stored data associated with said actionable input, wherein said previously stored data is accessible to any one of said e-banking touch points, and said previously stored data comprises data from one or more financial institutions and one or more user-defined preferences;</p>	<h2 data-bbox="423 1060 675 1094">2. Mobile Banking</h2> <p>Unlike many banks, whose mobile applications are simply abbreviated versions of services offered on their websites and brick-and-mortar locations, BBVA is using its mobile app to strengthen its relationship with consumers using existing income and expense data. <u>The app is personalized for consumers, greeting them by name when they open the app and providing personalized financial offers based on their profiles and behavior patterns.</u>^[7] Other data-driven features of the app include the ability to view and activate rewards on the go, biometric sign-in, and a bank branch and ATM locator, all making customers' lives easier.^[8]</p> <p>Attachment 5: (Banking on Digital Technology at BBVA - Technology and Operations Management)_ at 1.</p>

Exemplary Claims	BBVA Compass
	Source: https://digital.hbs.edu/platform-rctom/submission/banking-on-digital-technology-at-bbva/
<p>delivering said retrieved data to said at least one e-banking touch point transmitting said actionable input;</p>	<div data-bbox="414 447 1369 554" style="border: 1px solid black; padding: 10px; margin: 10px 0;"> <p>Why is the Transaction History being changed in Online Banking and Mobile Banking?</p> </div> <p>Changes were made to provide greater transparency and detail around the balances at the time of each transaction.</p> <p>Attachment 4 (Answers to commonly asked questions about the new BBVA Mobile Banking app) at 1.</p> <p>Source: https://www.bbvausa.com/special/glomo.html</p>
<p>storing transactional usage data associated with said at least one e-banking touch point transmitting said actionable input, wherein said stored transactional usage data is accessible by any one of said e-banking touch points and said one or more computer systems;</p>	<p>View transactions</p> <ul style="list-style-type: none"> ■ View account details for checking, savings, money market, CD, IRA, installment loan, mortgage loan, line of credit, credit card, and overdraft protection accounts ■ View transactions that have cleared your BBVA checking, savings, money market, credit card, and overdraft protection accounts for up to the last 16 months ■ View transactions for your loan accounts for up to 36 months ■ View transactions for your CD and IRA accounts for up to the life of your account <p>View Online Statements and request that paper statements not be mailed to you</p> <p>View images of cleared checks</p> <p>Enroll for Online Bill Pay</p> <p>Attachment 6: (About Online Banking, Frequently Asked Questions) at 1.</p> <p>Source: https://www.bbvausa.com/digital-banking-services/online-banking/faq/about-online-banking.html</p>

Exemplary Claims	BBVA Compass
<p>monitoring via said server said active session in real-time for selection of targeted marketing content correlated to said user-defined preferences;</p> <p>subsequent to said monitoring, selecting in real-time said targeted marketing content correlated to said user-defined preferences; and</p> <p>transmitting in real-time said targeted marketing content during said active session to at least one of said e-banking touch points for acceptance, rejection, or no response by a user, wherein said response by said user is used during said active session to determine whether transmission of additional information related to said marketing content occurs during said active session.</p>	<h2 data-bbox="428 279 735 321">2. Mobile Banking</h2> <p data-bbox="428 388 1292 1031">Unlike many banks, whose mobile applications are simply abbreviated versions of services offered on their websites and brick-and-mortar locations, BBVA is using its mobile app to strengthen its relationship with consumers using existing income and expense data. <u>The app is personalized for consumers, greeting them by name when they open the app and providing personalized financial offers based on their profiles and behavior patterns.</u>^[7] Other data-driven features of the app include the ability to view and activate rewards on the go, biometric sign-in, and a bank branch and ATM locator, all making customers' lives easier.^[8]</p> <p data-bbox="396 1087 1539 1157">Attachment 5: (Banking on Digital Technology at BBVA - Technology and Operations Management)_ at 1.</p> <p data-bbox="396 1192 1539 1262">Source: https://digital.hbs.edu/platform-rctom/submission/banking-on-digital-technology-at-bbva/</p>

These allegations of infringement are preliminary and are therefore subject to change.

10. BBVA has and continues to induce infringement. BBVA has actively encouraged or instructed others (e.g., its customers and/or the customers of its related companies), and continues to do so, on how to construct a unified banking system such as to cause infringement of one or more of claims 1–20 of the '508 patent, literally or under the doctrine of equivalents. Moreover, BBVA has known of the '508 patent and the technology underlying it from at least the date of issuance of the patent.

11. BBVA has and continues to contributorily infringe. BBVA has actively encouraged or instructed others (e.g., its customers and/or the customers of its related companies), and continues to do so, on how to use its products and services (e.g., construction of unified banking system) and related services that provide unified banking systems such as to cause infringement of one or more of claims 1–20 of the '508 patent, literally or under the doctrine of equivalents. Moreover, BBVA has known of the '508 patent and the technology underlying it from at least the date of issuance of the patent.

12. BBVA has caused and will continue to cause MCom damage by direct and indirect infringement of (including inducing infringement of) the claims of the '508 patent.

IV. JURY DEMAND

MCom hereby requests a trial by jury on issues so triable by right.

V. PRAYER FOR RELIEF

WHEREFORE, MCom prays for relief as follows:

- a. enter judgment that Defendant has infringed the claims of the '508 patent;
- b. award MCom damages in an amount sufficient to compensate it for Defendant's infringement of the '508 patent in an amount no less than a reasonable royalty or lost

profits, together with pre-judgment and post-judgment interest and costs under 35 U.S.C. § 284;

- c. award MCom an accounting for acts of infringement not presented at trial and an award by the Court of additional damage for any such acts of infringement;
- d. declare this case to be “exceptional” under 35 U.S.C. § 285 and award MCom its attorneys’ fees, expenses, and costs incurred in this action;
- e. declare Defendant’s infringement to be willful and treble the damages, including attorneys’ fees, expenses, and costs incurred in this action and an increase in the damage award pursuant to 35 U.S.C. § 284;
- f. a decree addressing future infringement that either (i) awards a permanent injunction enjoining Defendant and its agents, servants, employees, affiliates, divisions, and subsidiaries, and those in association with Defendant from infringing the claims of the Patents-in-Suit, or (ii) awards damages for future infringement in lieu of an injunction in an amount consistent with the fact that for future infringement the Defendant will be an adjudicated infringer of a valid patent, and trebles that amount in view of the fact that the future infringement will be willful as a matter of law; and
- g. award MCom such other and further relief as this Court deems just and proper.

Respectfully submitted,

Ramey & Schwaller, LLP

A handwritten signature in blue ink, appearing to read 'WPR', with a large, stylized loop underneath.

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